

REMARKS

Reconsideration of this application as amended is respectfully requested. In the Office Action claims 1, 4-9 and 23-28 are pending. Claims 1, 4-9 and 23-28 are rejected. By way of the present response Applicant has amended claim 23, added no claims, and canceled no claims. As such, claims 1, 4-9 and 23-28 are pending. Applicant respectfully requests reconsideration of the present application and the allowance of all claims now presented.

I. Claim Rejections 35 U.S.C. § 103(a)

The Office Action has rejected claim 1 and 4-8 under 35 U.S.C. § 103(a) as being unpatentable over Finke-Anlauff, U.S. 6,850,226 (hereinafter Finke-Anlauff), in view of Saarinen, U.S. 6,882,335 (hereinafter “Saarinen”) and Östergård et al., U.S. 6,803,903 (hereinafter “Östergård”).

a. Independent claim 1

With respect to claim 1, the Examiner has attempted to combine Finke-Anlauff with Saarinen and Östergård to support a *prima facie* case of obviousness under 35 USC §103(a). The Examiner’s has rejected claim 1 as unpatentable over the combination of Finke-Anlauff with Saarinen and Östergård. The Examiner states,

[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Finke-Anlauff with Saarinen and Östergård for the purpose of providing mode glyphs/indicators associated with respective orientation and operating mode of the device and illuminated by optical sources resident on the device; because this provides an illumination for displaying to the user a mode identification means by visually informing the user (via a symbol/icon/glyph/graphic) of the device’s present operating mode and indicating the respective key functions associated with each mode.

Office Action, p. 6, last paragraph. Applicant understands the Examiner’s position to be, therefore, that the modes of operation based on the physical orientation of the device in Finke-Anlauff can be combined with the orientation of the graphical alphanumeric keyboard in Saarinen and the highlighting of the glyphs differently based on the mode of operation in Östergård to render claim 1 unpatentable under 35 USC §103(a).

However, applicant respectfully submits that the Examiner's combination is improper for at least the reason that there is no motivation to combine the Finke-Anlauff reference with the Östergård reference. Applicant understands that Finke-Anlauff teaches a data processing device having a first mode (e.g., a telephone mode) and a second mode (e.g., a PDA mode) with a plurality of control elements to perform a different functions based on the mode of operation, where each mode of operation is associated with a physical orientation of the device. When the device is in the telephone mode, the alphanumeric keypad is covered and when the device is in the PDA mode the alphanumeric keypad is exposed for use. See Finke-Anlauff at col. 3, lines 27-43. The Östergård reference teaches highlighting glyphs differently based on the different modes of operation of a data processing device. Östergård teaches highlighting a first set of glyphs in a first mode of operation and highlighting a second set of glyphs in a second mode of operation.

It is respectfully submitted that the Finke-Anlauff reference is not readily combinable with the Östergård reference because the alphanumeric keyboard of Finke-Anlauff is covered in the first mode of operation (e.g., telephone mode) and uncovered in the second mode of operation (e.g., the PDA mode). In Finke-Anlauff, the alphanumeric keyboard is covered and inaccessible to users in the telephone mode of operation. This assertion is supported by reference to Figure 1 of Finke-Anlauff where it shows that the alphanumeric keyboard is covered by the display and inaccessible to users in the telephone mode of operation.

Applicant believes, therefore, that there would be no reason to combine the different highlighting of glyphs corresponding to different modes of operation taught in Östergård with the Finke-Anlauff reference because Finke-Anlauff teaches sliding the display screen into a position so that it covers the alphanumeric keyboard in the telephone mode of operation. The different glyphs claimed in applicant's claim 1 are associated with the different modes of operation, and in Finke-Anlauff, one of the modes of operation includes the telephone mode where the alphanumeric keyboard is covered and inaccessible.

Thus, applicant respectfully submits that the telephone mode of operation of Finke-Anlauff is incompatible with the Östergård reference which teaches highlighting glyphs differently based on the different modes of operation. There is no reason to highlight the glyphs of the alphanumeric keyboard in Finke-Anlauff differently based on mode of operation when the

device is in the telephone mode since the alphanumeric keyboard is covered and inaccessible. When the alphanumeric keyboard is covered, the highlighted glyphs are also covered so that users are unable to view the glyphs. Consequently, even if the highlighted glyphs changed functions in the telephone mode, no one would see them. The Examiner has stated that this combination would be obvious, but applicant respectfully submits that the obvious thing to do in the telephone mode of Finke-Anlaufit would not be to highlight the glyphs differently when the device is in the telephone mode of operation because the glyphs would be covered and not visible to users.

As a result, applicant does not believe the Examiner can properly support a *prima facie* case of obviousness under 35 USC §103(a) using the references cited in the Office Action. Accordingly, reconsideration and withdrawal of the claim rejections is respectfully requested.

II. Claim Rejections 35 U.S.C. § 102(e)

The Office Action has rejected claims 23-28 under 35 U.S.C. § 102(e) as being anticipated by Enger et al., U.S. Publication No. 2005/0020325 (hereinafter “Enger”). Applicant has amended claim 23 and respectfully requests reconsideration and withdrawal of the claim rejections for at least the reasons argued above with respect to independent claim 1.

CONCLUSION

Applicant respectfully submits that all rejections have been overcome by applicant's amendments and remarks and that all pending claims are in condition for allowance. Accordingly, reconsideration and withdrawal of the claim rejections is respectfully requested.

Invitation for a telephone interview

If a telephone conference would facilitate the prosecution of this application, Examiner is invited to contact Matt Hindman at (408) 720-8300. If there are any additional charges, please charge them to our Deposit Account Number 02-2666.

Respectfully Submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: October 2, 2008

/Matthew W. Hindman/

Matthew W. Hindman
Attorney at Law
Reg. No. 57,396

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300